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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,911	05/09/2001	John G. Posa	POS-03602/29	3950

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09/24/2004

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EXAMINER

KAVANAUGH, JOHN T

ART UNIT PAPER NUMBER

3728

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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09212004

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on July 23, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): "The new grounds of rejection raised by the Board does not reopen the prosecution except as to that subject matter to which the new rejection was applied", MPEP 1214.03 (I). Therefore new claim 17 is improper. Moreover, the amendment to claims 15 and 16 are improper since these claims are cancelled as noted in the prior office action. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

The amendment to claim 1 appears to overcome the new matter rejection but doesn't appear to be allowable in view of an obvious type rejection of Taber. It is suggested applicant rewrite claim 4 to includes all of the limitations of the base claim and any intervening claims or other appropriate action.

Ted Kavanaugh  
Primary Examiner  
Art Unit: 3728